

REMARKS

Applicant amends claims 1, 4, 5, and 8-11 and adds new claims 14-21. Accordingly, claims 1-21 are all the claims pending in the Application.

Claim rejections under 35 U.S.C. § 103

Claims 1, 2, 5, 6, 8-10, 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishigaki (US 20001/0018353). Applicant traverses the rejection at least for the following reasons.

The Examiner has rejected claims 1, 2, 5, 6, 8-10, 12 and 13 under 35 U.S.C. § 103(a) but has indicated that Ishigaki discloses all the limitations of the claims and has not pointed out which features of the claimed invention Ishigaki fails to teach. Applicant assumes *arguendo*, that the Examiner's position is that Ishigaki does not explicitly disclose a situation information acquiring unit to acquire situation information. This is because the Examiner states that "in order for Ishigaki's method to have stored the date and time of the latest access of a particular bookmark, the system comprises a means to acquire the date and time it was accessed." (page 4, lines 2-4 of the Office Action).

Claim 1

Claim 1 recites, *inter alia*, a sort key storing unit in which sort keys are stored. The Examiner asserts that Ishigaki discloses the above noted unique feature recited in claim 1. Applicant respectfully disagrees.

Applicant submits that Ishigaki is directed to a device that displays a title or URL of a website that was selected last time at the top of a Bookmark list on a screen. Ishigaki discloses a controller 20 that rearranges the Bookmark-registered sites according to the latest access time stored in the memory 26 (page 2, paragraph [0025]). However, Ishigaki does not disclose a sorting key storing unit in which sort keys are stored.

In particular, Ishigaki discloses storing the latest access date and time in a predetermined area of the memory 26 and displaying the title or URL of the site that was last selected, but does not disclose storing **sort keys** in memory 26. Moreover, Ishigaki discloses rearranging the URLs **based only on the latest access time** and does not disclose storing any sort keys in memory.

Furthermore, referring to the last paragraph of page 3 continuing on to page 4, assuming *arguendo* that the Examiner alleges the date and time stored in the predetermined memory corresponds to the situation information, it would be improper for the Examiner to assert that the date and time (the alleged situation information) stored in the memory 26 also corresponds to the sort keys stored in the sort key storing unit. It would be improper because the Examiner refers to the same feature disclosed in Ishigaki (i.e. access date and time stored in a predetermined memory) as corresponding to two different limitations of **sort keys** stored in sort key storing unit and **situation information** acquired through the situation acquiring unit.

In view of the above, Applicant respectfully requests the Examiner to withdraw the rejection of claim 1.

Claims 5 and 8

Applicant submits that claims 5 and 8 recite subject matter analogous to claim 1, and therefore is allowable for at least the same reasons claim 1 is shown to be allowable.

Claims 2, 6, 9, 10, 12 and 13

Applicant submits that claims 2, 6, 9, 10, 12 and 13 depend from one of the independent claims that have been shown to be allowable, and therefore, those claims are also allowable at least by virtue of their dependency.

Claims 3, 4, 7 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishigaki as applied to claims 1, 5 and 8 and in view of Werner (US 2002/0198898). Applicant traverses the rejection for at least the following reasons.

Claim 4

In the rejection of claim 4, the Examiner admits that Ishigaki does not teach a method of acquiring position information but asserts that Werner teaches the missing feature. Furthermore, the Examiner's asserts that one skilled in the art would have been motivated to modify the bookmark sorting method of Ishigaki with the location stamping method of Werner because both Ishigaki and Werner disclose methods of sorting files in mobile devices based on a time the file was accessed and found such modification to be beneficial because a user of the modified system would have then been able to have sorted bookmarks according to the location at which they were accessed (Werner, page 3, paragraph [0035]).

Applicant submits that Ishigaki is directed to a bookmark sorting method to display a title or URL of a site that was last selected at the top of the list and Werner is direct to stamping location information on files. With regard to the method of sorting the files, Ishigaki discloses rearranging the Bookmark-registered sites according to only the latest access time (page 2, paragraph [0025]), while Werner discloses a directory listing in which various properties are listed (FIGS. 14 and 15). Werner further discloses that a user uses simple point and click actions using a mouse or a cursor controlling device (i.e. navigational keys) to designate a particular sorting option (page 6, paragraph [0054]).

Applicant submits that it would not have been obvious to one of ordinary skill in the art to modify the teachings of Ishigaki with Werner, at least because Ishigaki teaches away from navigating and scrolling through a display screen to sort files disclosed in Werner. In particular, Ishigaki discloses that scrolling through the screen by using the navigation key to select a site is the problem that the disclosure is trying to overcome (page 1, paragraph [0004]). Since the directory listing disclosed in Werner would require a user to use a navigation key to move through the display screen to select the appropriate property (i.e. date, time, size of file, etc.) and Ishigaki discloses sorting the bookmarks with a minimal use of the navigation keys, it would not have been obvious to one of ordinary skill in the art to modify the bookmark sorting method of Ishigaki with the location stamping method of Werner .

Furthermore, Applicant submits that claim 4 recites a sort key storing unit in which sort keys are stored and Werner does not cure the deficiency of Ishigaki noted above with respect to claim 1.

In view of the above, Applicant respectfully requests the Examiner to withdraw the rejection of claim 4.

Claims 3, 7, 11

Claims 3, 7, and 11 depend from one of the independent claims that have been shown to be allowable. Moreover, Applicant submits that it would not have been obvious to combine the teachings of Ishigaki and Werner at least for the reasons noted above with respect to claim 4. Furthermore, Werner does not cure the deficiency noted above with respect to claim 1.

In view of the above, Applicant submits that claims 3, 7, and 11 are allowable.

New claims 14-21

Applicant submits that newly added claims 14-20 depend from claim 1 and claim 21 depends from claim 8, and therefore are allowable by virtue of their dependency.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 10/791,802

Attorney Docket No.: Q80201

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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